

23 Months of Tragedy

TRE MAR 15 1957

By ELINOR HAYES

The Stephanie Bryan kidnapping case officially came to an end today.

The tragedy, infamous and pointless, that had its beginning the sunny afternoon of April 23, 1955, when the 14-year-old daughter of Dr. and Mrs. Charles S. Bryan Jr., disappeared while walking to her Berkeley home from school, reached its finale with the execution today of her convicted kidnaper-slayer, Burton W. Abbott, in San Quentin's gas chamber.

The two dates are less than 23 months apart.

Between them is Alameda County's greatest search to find the missing girl, its longest and most celebrated trial after her body was found near Abbott's Trinity County mountain cabin, the cold authority of the law, inexorable justice and sorrow and heartbreak for two families.

DRAMA'S PRINCIPALS

Principals in the drama were the pretty, studious, quiet-mannered daughter of the Berkeley radiologist, and the slender, pale, post-tubercular 28-year-old Abbott, a University of California accounting student and a husband and father.

Then there were their families who were brought to despair . . .

The hundreds of police, sheriff's officers, mountain men and volunteers who searched for the girl when her disappearance was a mystery . . .

The 113 witnesses who testified during the 48-day trial before Alameda County Superior Judge Charles Wade Snook.

The jury of seven men and five women who found overwhelming evidence of Abbott's guilt after 52 hours and 30 minutes deliberation . . .

STEPHANIE VANISHES

The attorneys, judges and officials in whom Abbott pinned last minute, unavailing hope of life in spite of the great odds against him.

All of these paled beside the

girl and her abductor, accused, convicted and executed for kidnapping her as she walked home from school and leaving her body buried beneath the tall pines near his Trinity County vacation cabin.

It was a case of coincidence . . . it was a circumstantial case but when the long trial, bitter and difficult as it was, was over, Abbott was on his way to the gas chamber.

Stephanie, an honor student at Willard Junior High School in Berkeley, left for home that April afternoon with a 13-year-old schoolmate, Mary Ann Stewart. On their way the two girls stopped at the library and at a shop, where Stephanie bought a book on the care and feeding of parakeets. She also carried a French book and two notebooks.

The girls separated at the parking lot of the Claremont Hotel, where Stephanie, as was her habit, was to take a shortcut to her home at 131 Alvarado Road, Berkeley. She always went through the lot, up some steps and then up a path . . . and home.

FAILED TO ARRIVE

Only that afternoon she failed to arrive. By nightfall her parents were distraught and went to the police.

In the weeks that followed there was confusion, conjecture, crank calls, hints, tips and suggestions by the hundreds, but only one increasing fact—Stephanie was missing.

Through it all ran one macabre report. Eight persons reported seeing a man struggling with a young girl in a car parked on Mt. Diablo Blvd. the afternoon Stephanie Bryan disappeared.

Dr. Bryan received a fake ransom call, demanding \$5,000 for the return of his daughter. At a prearranged time and place in Oakland he met the "kidnaper," who, it developed, was a recent

mental hospital patient who had no connection with the girl's disappearance.

SEARCH WIDENED

For weeks increasingly larger groups fanned out in increasingly larger circles through Berkeley and into the Contra Costa County hills in a bush-by-bush search spearheaded by the Berkeley police, who worked night and day on the case. One Sunday 1,200 persons covered a 25-mile front.

Dr. Bryan posted a \$2,500 reward for the return of his daughter, and he himself went through the delta area with posters describing the girl in the hope that fishermen might find some trace of her.

Then on May 10, 1955, a San Pablo electrician turned in the first meager clue. The man, Ernest Tyson, picked up a French book off Franklin Can-

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yon Road in Contra Costa County. He had given it to his son and then, reading of the missing girl, realized it might have some connection. It had been the book she carried when she dropped from sight.

But the real lead, the first tangible clues and the ones that pointed directly to Burton W. Abbott, were found by his wife, Georgia, 32, a beauty parlor operator five years older than her husband, in the basement of their Alameda home at 1468 San Jose Ave. on July 15, 1955.

FINDING OF PURSE

Abbott was cooking steak in the kitchen of the bungalow. The couple had a guest, Otto Derman, husband of the woman who employed Mrs. Abbott as a beauty parlor operator. Abbott's mother, Mrs. Elsie Abbott, also was at home.

The calm of the neat white house was jarred when Georgia Abbott came running up from the basement with a billfold that she said she had found in a box of clothing while looking for a costume for a cosmetology party. It was Stephanie's.

It contained her identification card, pictures of classmates, a Key System identification card and a letter that Stephanie had written to a friend in Dartmouth, Mass., where the Bryans formerly lived.

"This hasn't been a very eventful winter, so I can't think of anything else to say..." the

gags of the double Bill "escape" comedies.

That night when word came of the finding of the girl's body, the quiet of the Alameda home was broken again.

This time it was not a cry of a purse being found. It was Berkeley police officers announcing his arrest.

His composure never broke. He appeared incredulous that he should be under suspicion. He did not appear disturbed.

When he was told the details of finding the girl's body by Dr. Douglas Kelley, U.C. criminologist, he looked at Inspector Charles O'Meara and said: "You promised to bring me some lunch. I'm hungry."

TRACES HIS TRIP

He repeated he had driven to the cabin alone, recalling the progress mile by mile, the stops he had made, establishing time checks all the way.

His story was of a drinking bout in a Wildwood tavern the next day, which left him so sleepy he did not hear his brother, Mark, and his sister-in-law arrive at the cabin that night. He told of fishing and returning home, his car following that of his brother.

The Alameda County grand jury indicted him for both the kidnaping and murder of Stephanie Bryan on July 30, 1955, after less than an hour's deliberation.

On Sept. 21, 1955, Abbott entered his pleas of innocence in clear, firm tones.

His identification of particles of hair found in Abbott's car as coming from the head of the Bryan girl.

The prosecution presented five witnesses to the Mt. Diablo Blvd. car struggle, one of whom pointed across the courtroom at Abbott and said "that is the man!"

PARENTS TESTIFY

Stephanie's mother, Mrs. Mary Brian, trim and staid, came to court to identify clothing worn by her daughter. The girl's father, Dr. Bryan, told of events immediately after he notified Berkeley police his daughter was missing.

Jackson told of the finding of the girl's body in language and outdoor wisdom that captivated the court. Otto Derman, who told of Mrs. Abbott's finding the purse, was suggested as a suspect by the defense. Berkeley police officers told of their investigation.

Witness after witness was presented to shore up the prosecution's contention of Abbott's guilt.

Then, on Dec. 5, 1955, Superior Judge Snook dismissed August C. Rettig Jr. as juror No. 12, because Rettig occupied a desk at the Alameda Naval Air Station "about 25 feet away" from that of Abbott's brother, Mark. Alternate juror Esmond T. Harrison took Rettig's place. Court-house observers said it was the first time a juror ever had been dismissed in an Alameda County murder trial.

ABBOTT TAKES STAND

Abbott took the stand in his own defense as his own star witness. Smiling and confident, he declared he was not even in the city of Berkeley on the day Stephanie disappeared.

Under dramatic questioning by Attorney Hove, he insisted he did not kidnap or kill the 14-year-old Berkeley schoolgirl.

Coakley cross-examined Abbott for four days. Under it the

ABBOTT WILLS HIS BODY TO U.C. MEDICAL SCHOOL

Burton Abbott's body will go to the University of California Medical School for experimental purposes.

This was Abbott's last request to Warden Harley O. Teets and was confirmed by his wife, Mrs. Georgia Abbott.

There was \$87 left in Abbott's canteen fund at the prison which he directed be given to his mother, Mrs. Elsie Abbott.

pale U.C. student admitted he lied about one phase of his timetable alibi that he did not stop at the State Land Office in Sacramento, "but I'm afraid I told some Berkeley police officers that I did."

Coakley, hammering a way, forced the defendant to admit he changed his story three times and drew a wrong sketch for police.

The prosecution came back with a rebuttal case that presented three surprise witnesses, women who said that Abbott was in Oakland and Alameda the afternoon of April 28 when he said he was en route to Trinity County.

CROWDS AT COURT

As witness after witness marched to the stand in the fifth floor courtroom spectators filled the court and overflowed into the corridors waiting for the chance to get a seat.

Special press facilities were arranged for reporters, cameramen, TV and radio personnel covering the trial for the interested communities.

Abbott's family — his wife, mother, Elsie, his brother, Mark, and his aunt, Mrs. Mona Marsh supported his position of innocence with their presence and quiet support. Mother and wife sat side by side during final arguments.

Final arguments lasted for six days, with prosecution and de-

fense taking turns summarizing their respective theories. The prosecution had thrown all its guns into support of its case. The defense built its case on a three-point theory, to discredit prosecution witnesses, bolster Abbott's alibi, and instill reasonable doubt.

FINAL ARGUMENTS

Final arguments began after both Abbott and his red-haired wife, Georgia, took the stand in a final and dramatic last effort to offset key prosecution testimony which contradicted Abbott's timetable alibi from start to finish for the day the girl last was seen.

Both stuck firmly to details of the alibi Abbott gave.

The jury deliberated seven days. His timetable alibi fell apart under the meticulous examination of the 12 jurors, who "tried every way for seven days to presume his innocence."

Abbott was brought down from the county jail, heard himself twice condemned to death and returned to the jail where he resumed a card game and said: "Well, they found me guilty."

One juror said "we felt Burton Abbott should have shown more emotion on the witness stand — after all, it was his life. We knew he had lied and he had admitted he had lied on the stand. We all wanted to believe him when he went up there, but

we just felt that his testimony wasn't reasonable. . .

Abbott was formally condemned to death by Judge Snook on February 10, 1956, and he became the 21st inmate of San Quentin's Death Row next day. He went on his last ride attired like a young salesman and with as much apparent concern as he would have had over a Sunday outing.

At San Quentin Prison he became No. A-35539 on Death Row, a companion of Caryl Chessman and Bart Caritative. He told guards they would have no trouble with him and they didn't. He seemed to take to prison routine without difficulty and during the months he spent there never was a problem.

Leo Sullivan, Oakland criminal attorney, took over Abbott's appeal in March, 1956.

The California Supreme Court ruled on Nov. 23 last year that Abbott must die for his crime. The unanimous ruling was that it found "ample evidence of Abbott's guilt." On December 10 it rejected a rehearing.

Then Governor Knight denied executive clemency without be-

ing asked. As a finale U.S. Supreme Court Justice William O. Douglas twice denied a last-minute stay for Abbott.

There were many who, made lous by repeated stays won other convicts — some of them — presented by Abbott's "last-minute" attorney, George T. Quinn, felt that he also would at least a stay from some jurist as so many others

have done.

But the case — cracked by coincidence, fought with bitterness, circumstantial and tragic — went forward to a determined end.

Burton W. Abbott died today in the gas chamber of San Quentin Prison in the manner prescribed by law.

The long walk that Stephanie Bryan started is over.